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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,734	01/30/2006	Gunther Mendl	2086/43829/Case 9-PCT-US	1309
279 7590 09/29/2008 Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd. 105 West Adams Street Suite 3600 Chicago, IL 60603			EXAMINER BASKIN, JEREMY S	
			ART UNIT 4137	PAPER NUMBER
			MAIL DATE 09/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,734

**Applicant(s)**

MENDL ET AL.

**Examiner**

Jeremy S. Baskin

**Art Unit**

4137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CI/100)
- Paper No(s)/Mail Date 10142005, 10202005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent German Application No. 103 12 580.9, filed on 03/21/2003.

### *Claim Objections*

2. **Claims 3-7** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 2** are rejected under 35 U.S.C. 102(b) as being anticipated by *Egert et al.* (German Pat. No. DE 4301608 A1).
3. Regarding **Claim 1**, the reference discloses a valve retainer plate 10 for receiving the valve spring forces within an internal combustion engine. It comprises a reinforcement member 14 made of a material of lower strength (plastic, see DE43011608A1 TRANSLATION) and an annular supporting member 46 of higher strength (sheetmetal, see DE43011608A1 TRANSLATION) being positioned between

the reinforcement member and the closing spring 26. The L-shaped member 14 is maintained on the reinforcement member with press fit ([019], see DE43011608A1 TRANSLATION).

4. Regarding **Claim 2**, the reference discloses that the supporting member 46 is maintained on a hub section 40. In Figure 3, the L-shaped washer 46 is maintained on a filleted angular seat which is characterized as a radially inwardly positioned annular section.

5. **Claims 1 and 2** are rejected under 35 U.S.C. 102(b) as being anticipated by *Hertzsch* (German Pat. No. DE 3902518 A1).

6. Regarding **Claim 1**, the reference discloses a valve retainer plate 1 for receiving the valve spring forces within an internal combustion engine. It comprises a reinforcement member 6 made of a material of lower strength (unhardened steel, see DE3902518 TRANSLATION) and an annular supporting member 10 of higher strength (hardened steel, see DE3902518 TRANSLATION) being positioned between the reinforcement member and the closing spring ([015-016], see DE3902518 TRANSLATION) as seen in Figure 1. A friction fit is maintained in the annular seat by the tapering of the internal teeth 11, or tongues ([016], see DE3902518 TRANSLATION) of the supporting member onto the retainer body.

7. Regarding **Claim 2**, the reference discloses the retainer plate of Claim 1 where the supporting member 10 is maintained on a hub section 6'. In Figure 2, the hub section 6' includes a filleted area 12 which is characterized as a radially inwardly positioned annular section.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. **Koybayashi et al. (U.S. Pat. No. 6,341,588)** discloses a similar invention that reduces the wear on the underside of the flange that makes contact with the valve spring.
10. **Pierce (U.S. Pat. No. 5,143,351)** discloses a similar invention that provides for an L-shaped washer press-fitted to the underside of a valve spring retainer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy S. Baskin whose telephone number is (571)270-7421. The examiner can normally be reached on Monday through Friday, 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry. Suhol/  
Supervisory Patent Examiner, Art  
Unit 4137

/J. S. B./  
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